



09/30/96

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David D. Chase et al.

GROUP ART UNIT: 3408

SERIAL NO.: 08/436,655

EXAMINER: Amy B. Vanatta

FILED: May 8, 1995

FOR: ANTIVIBRATION GLOVE

**AFFIDAVIT OF DAVID D. CHASE UNDER 37 C.F.R. §1.132**  
**ATTESTING TO THE COMMERCIAL SUCCESS OF THE INVENTION**

I, David D. Chase, the below named Declarant, do hereby depose and state as follows:

1. My name is David D. Chase, and I reside at 12020 Persimmon Avenue, N.E., Albuquerque, New Mexico 87111.

2. I am the co-inventor with Daniel A. Talonn of the present invention relating to antivibration gloves meeting specific industry standards for vibration reduction properties.

3. I am currently Chief Executive Officer of Chase Ergonomics, a company which manufactures and markets antivibration gloves and other medically orientated safety products for use in the workplace, and as such am familiar with the needs of industry in this field.

4. For many years it has been known that extensive use of and exposure to the vibrations produced by equipment such as power saws, drills, rivet guns, and jack hammers can result in injury and significant disability to human users. Hence, there has been a long felt need in the industry to develop protective gloves which shield the user from these vibrations, which are comfortable to wear, and which do not impair the user's ability to manipulate equipment.

5. The European Committee for Standardization (CEN) recently enacted certain standards for antivibration gloves to address the problems indicated above (EN ISO 10819). This

standard requires that antivibration gloves not have a transmissibility greater than 1.0 for frequencies in the range of 31.5 - 200 Hz, and at least a 40% attenuation for frequencies in the range of 200 - 1250 Hz.

6. It is not believed that any prior art gloves meet the CEN specifications without increasing the amount of vibration dampening material so much as to severely hinder the wearer's ability to manipulate and control equipment while wearing the antivibration glove.

7. Correspondingly, Daniel A. Talonn and myself developed the antivibration glove claimed in the present application, meeting the stringent European specifications while simultaneously retaining the ability of the wearer to manipulate and control equipment with minimal interference from the vibration dampening material enclosed within the glove.

8. The glove constructed in accordance with the claims of the present invention has been recognized and acknowledged by the European Committee for Standardization as meeting their required specifications for antivibration gloves.

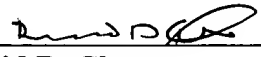
9. Since the introduction of the antivibration gloves of the present invention into Chase Ergonomics' product line in November, 1995, sales of gloves covered by the claims of the present application have exceeded \$250,000 in glove sales alone. At the present rate of increase, we anticipate that sales of the claimed antivibration gloves of the present invention will exceed \$600,000 in 1997.

10. Additionally, Chase Ergonomics has been approached by at least seven other manufacturers such as Ansell Edmont, Golden Needles, and Best Gloves, who have expressed a desire to purchase or license gloves covered by claims of the present invention.

11. The aforementioned commercial success was due to the claimed invention, and not as a result of other extraneous factors such as advertising, promotion, trade shows, or any


other features of the gloves. For each year during which sales have increased as set forth above, total advertising and promotion was less than \$ 20,000 per year. This expense represents less than 8 per cent of the total sales of gloves of the claimed invention to date.

Further Affiant Sayeth Not.

  
\_\_\_\_\_  
David D. Chase

STATE OF NEW MEXICO       )  
  ) SS  
COUNTY OF BERNALILLO    )

Subscribed and sworn to before me this 18<sup>th</sup> day of September, 1996.

  
\_\_\_\_\_  
Notary Public        NEIL KOHLMAN

My commission expires: 12-15-97



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Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

SIR:

LETTER RE COMMERCIAL SUCCESS AFFIDAVIT

Further in response to the Office action mailed June 26, 1996, applicant has filed the affidavit of David D. Chase attesting to the commercial success of the invention. Mr. Chase is one of the co-inventors and is the Chief Executive Officer of the assignee of the present invention. That company, Chase Ergonomics, manufactures and markets antivibration gloves and other medically orientated safety products.

Mr. Chase's affidavit makes clear that for many years it has been known that extensive use of and exposure to the vibrations produced by hand-held equipment can result in injury and significant disability to human users. Thus, there is a long felt need in the industry to develop protective gloves which shield the user from these vibrations, which are comfortable to wear, and which do not impair the user's ability to manipulate equipment.

I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as first class mail in an envelope  
addressed to: Commissioner of Patents and Trademarks  
Washington, DC 20231, on 9/26/96

*Gregory E. Upchurch*  
Attorney  
Sept. 26, 1996  
Date of Signature

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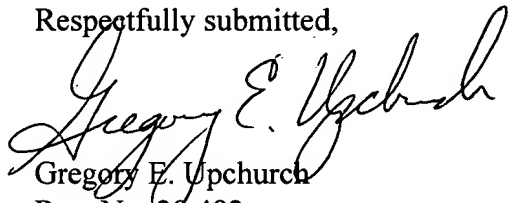
The present invention solves that long felt need and in fact, as the affidavit states meets the standards for antivibration gloves recently set by the European Committee for Standardization (CEN).

Turning specifically to commercial success, in less than one year the sales of gloves covered by the claims of this application have exceeded \$250,000. Chase projects sales of over \$600,000 in 1997. In addition, Chase Ergonomics has been approached by well-known glove manufacturers who have expressed a desire to purchase or license gloves covered by claims of the present invention.

The affidavit makes clear that the commercial success was due to the claimed invention, and not as a result of other extraneous factors such as advertising, promotion, trade shows, or any other features of the gloves, since total advertising and promotion for these gloves has been less than \$ 20,000 per year. This figure is less than 8 per cent of the total sales of gloves of the claimed invention to date.

The affidavit of commercial success, therefore, buttresses the conclusion that the present invention is not obvious over the cited art.

Respectfully submitted,



Gregory E. Upchurch

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